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10/687,059	10/15/2003	Linda Woodward	LCWO-1-1001	8918

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EXAMINER

CONLEY, FREDRICK C

ART UNIT PAPER NUMBER

3673

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/687,059

Applicant(s)

WOODWARD ET AL.

Examiner

FREDRICK C. CONLEY

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

EA

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 8, 11-14, and 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,439,154 to Delligatti.

Claim 1, Delligatti discloses a diaper changing assembly, comprising:

a bag member 10 partially enclosing an interior region and forming an access opening (30,32,34)(col. 5 lines 41-45) leading thereto, the bag member including an outer surface comprising a side panel having an upper portion proximate the access opening and a lower portion spaced apart from the upper portion, the upper portion having at least one first securing member 40 formed thereon, the bag member further including a bottom portion positioned opposite from the access opening and coupled to the side panel proximate the lower portion (fig. 2); and

an elongated changing mat 50 having first and second ends, the first end being operatively coupled to the lower portion of the side panel (col. 6 lines 5-9), the changing mat including at least one second securing member 54 at a location spaced apart from the first end and adapted to engage with the first securing member on the bag member, the changing mat being foldable into a plurality of portions such that in a closed position, the plurality of portions are positionable proximate the outer surface and the first and second securing members are engageable with the changing mat

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occupying a stowed position external to the bag member (col. 6 lines 14-19), and in an open position the plurality of portions may be unfolded to provide an elongated changing surface, the bag member being adapted such that the bottom portion remains engaged with the support surface, the interior region remains substantially accessible through the access opening, and the bag member remains substantially unchanged during articulation of the changing mat between the open and closed positions.

Claim 2, wherein the bag member includes first and second side panels and a handle 100 coupled to at least one of the first and second panels.

Claim 3, wherein the bag member includes one or more storage compartments (60,62,64,66,68,70) coupled to the outer surface.

Claim 4, wherein the bag member includes a substantially rectangular member having first and second side panels, opposing end panels, and a bottom panel coupled to the first and second side panels and the opposing end panels, the bottom panel comprising the bottom portion.

Claim 5, wherein the at least one second securing member is positioned proximate the second end of the changing mat.

Claim 6, wherein the changing mat is removably coupled to the bag member/compartments (32,36) using a zipper 24 (col. 5 lines 46-59).

Claim 8, wherein the changing mat includes a compartmentless exterior surface (fig. 1).

Claim 11, Delligatti discloses a diaper changing assembly, comprising:

a bag member 10 having at least one two side panels and a bottom portion coupled to the at least one side panels the bag member substantially enclosing an interior region and at least partially forming an access opening leading (col. 5 lines 40-45) thereto, the bag member including an outer surface having at least one first securing member 40 formed on an upper portion of the at least one side panels proximate the access opening a changing mat 50 having an end portion removably coupled to a lower portion of the side panel, the lower portion being spaced apart from the upper portion, the changing mat having a compartmentless exterior surface and having at least one second securing member 54 formed thereon at a distal location that is spaced apart from the end portion, the second securing member being engageable with the first securing member, the changing mat being foldable into a closed position such that the changing mat is stowed proximate the one of the side panels and the first and second securing members are engageable (col. 6 lines 14-19), the changing mat further being unfoldable into an open position to form an elongated changing surface, the bag member being adapted such that the bottom portion remains engaged with the support surface, the interior region remains substantially accessible through the access opening, and the bag member remains substantially unchanged during articulation of the changing mat between the open and closed positions.

Claim 12, wherein the end portion comprises a first end portion, and wherein the changing mat includes a second end portion spaced apart from the first end portion, the second securing member being disposed on the second end portion of the changing mat.

Claim 13, wherein the bag member includes a substantially rectangular member having opposing end panels coupled between the first and second side panels, and a bottom panel coupled to the end panels and to the side panels, the bottom panel comprising the bottom portion and substantially enclosing a lower end of the interior region.

Claim 14, wherein the changing mat is removably coupled to the bag member/compartments (32,36) using a zipper 24 (col. 5 lines 46-59).

Claim 17, Delligatti discloses a method of changing diapers, comprising: providing a bag member 10 that partially encloses an interior region (col. 5 lines 40-45) and having an access opening leading thereto, the bag member including an outer surface and a bottom portion positioned opposite from the access opening; engaging the bottom portion with a support surface such that the interior region is substantially accessible through the access opening; deploying a changing mat having an end portion operatively coupled to a lower portion of the outer surface proximate the bottom portion into an open position to provide an elongated changing surface 50 without modification of the bag member, the bottom portion remaining engaged with the support surface and the interior region remaining substantially accessible through the access opening, positioning a wearer of a diaper on the changing surface; installing a diaper on the wearer, redeploying the changing mat into a closed position proximate the outer surface wherein the changing mat occupies a stowed position external to the bag member and without modification of the bag member, the bottom portion remaining engaged with the support surface and the interior region remaining substantially

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accessible through the access opening, and in the closed position, securing a first attachment device 40 on the changing mat with a second attachment device 54 on the outer surface, the first attachment device being coupled to the changing mat at a location spaced apart from the end portion, and the second attachment device being positioned on an upper portion of the outer surface spaced apart from the lower portion.

Claim 18, wherein securing a first attachment device on the changing mat with a second attachment device on the outer surface includes securing a first attachment device located on a second end portion of the changing mat with a second attachment device on the outer surface.

Claim 19, further comprising removing a previously-installed diaper from the wearer.

Claim 20, wherein deploying a changing mat includes deploying a changing mat having a compartmentless surface.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,439,154 to Delligatti in view of U.S. Pat. No. Des. 378,953 to Pavlik.

With regards to claim 7, Delligatti discloses all of the Applicant's claimed limitations except for the changing mat having a tri-panel. Pavlik illustrates a bag having a tri-panel mat (fig. 2-3). It would have been obvious for one having ordinary skill in the art at the time of the invention to employ a tri-panel mat as illustrated by Pavlik in order to provide an alternate design for the mat of Delligatti.

Claims 9-10 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 5,439,154 to Delligatti in view of U.S. Pat. No. 5,649,658 to Hoffman.

Claims 9-10 and 15-16, Delligatti fails to disclose the changing mat including an inner layer of padding material/pillow member substantially surrounded by an outer, durable layer. Hoffman discloses the changing mat including an inner layer of padding material substantially surrounded by an outer, durable layer (col. 2 lines 15-18). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ a changing mat as taught by Hoffman in order to provide a comfortable changing pad for Delligatti.



***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to FREDRICK C. CONLEY whose telephone number is 571-272-7040. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HEATHER SHACKELFORD can be reached on 571-272-7049. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
ALISON PICKARD  
PRIMARY EXAMINER

FC  
